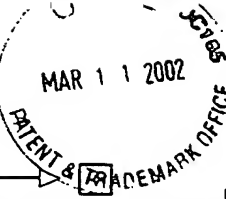


MAR 11 2002



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PTO/SB/01 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63) <input checked="" type="checkbox"/> Declaration Submitted with Initial Filing OR <input type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)	Attorney Docket Number	OSTEONICS 3.0-349
	First Named Inventor	Andreas W. Speitling
	COMPLETE IF KNOWN	
	Application Number	Not Yet Assigned
	Filing Date	Herewith
	Group Art Unit	N/A
	Examiner Name	Not Yet Assigned

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

A DEVICE FOR USE WITH THERAPEUTIC OR SURGICAL INSTRUMENTS, IMPLANTS AND EQUIPMENT THEREFOR

(Title of the invention)

the specification of which

☒ is attached hereto

OR

☐ was filed on (MM/DD/YYYY) [] as United States Application Number or PCT International

Application No. [] and was amended on (MM/DD/YYYY) [] (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365 (a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
200 20 649.4	Germany	12/06/2000	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:



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DECLARATION — Utility or Design Patent Application

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Customer Number 000530

Direct all correspondence to:

☒ Customer Number
or Bar Code Label



OR ☐ Correspondence address below

Name

Address

City

State

ZIP

Country

Telephone

Fax

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name
(first and middle (if any))

Andreas Werner

Family Name
or Surname

Speitling

Inventor's
Signature

Date

Residence: City

Kiel

State

Country

Germany

Citizenship

Germany

Mailing
Address:

Oppendorfer Weg 36

City

Kiel

State

ZIP

D-24149

Country

Germany

NAME OF SECOND INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name
(first and middle (if any))

Family Name
or Surname

Inventor's
Signature

Date

Residence: City

State

Country

Citizenship

Mailing
Address:

City

State

ZIP

Country

☐ Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.

341746_1.DOC



Docket No.: OSTEONICS 3.0-349
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Andreas Werner Speitling

Application No.: 10/005,054

Group Art Unit: 3738

Filed: December 3, 2001

Examiner: Not Yet Assigned

For: DEVICE FOR USE WITH THERAPEUTIC OR
SURGICAL INSTRUMENTS, IMPLANTS
AND EQUIPMENT THEREFOR

Commissioner for Patents
Washington, DC 20231

DECLARATION OF PHYLLIS KELLY

Dear Sir:

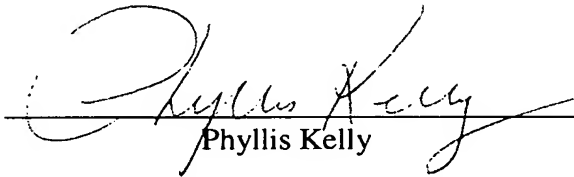
I, PHYLLIS KELLY, declare as follows:

1. I am currently employed as Manager, U.S. Patent and Trademark Administration by the firm of Lerner, David, Littenberg, Krumholz & Mentlik, LLP and I have been employed by the firm for the past 25 years.
2. Over the last 20 years, I have been in charge of the review and filing of applications for filing in the United States Patent and Trademark Office ("PTO").
3. As the Manager, I have reviewed over four thousand patent applications for filing in the PTO and I am fully aware of the importance of filing a complete specification in order to obtain a filing date.
4. On December 3, 2001, the above-identified non-provisional application was placed in my office by Ms. Sharon McGee for my review, prior to mailing to the PTO.
5. In accordance with my normal procedure, I reviewed the entire application to verify that all pages of the applications were present and that the application was complete.

6. Upon completion of this review and determination that the specification included all pages, including pages 1 and 2, and that the transmittal form accompanying the application was correct, I handed the sealed envelope containing the application to an office clerk for hand delivery to the Westfield Post Office.

7. That I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that any such willful false statements may jeopardize the validity of this application or any patent issuing therefrom.

Dated: February 27, 2002


Phyllis Kelly

355079_1.DOC



Docket No.: OSTEONICS 3.0-349
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Andreas Werner Speitling

Application No.: 10/005,054

Group Art Unit: 3738

Filed: December 3, 2001

Examiner: Not Yet Assigned

For: DEVICE FOR USE WITH THERAPEUTIC OR
SURGICAL INSTRUMENTS, IMPLANTS
AND EQUIPMENT THEREFOR

Commissioner for Patents
Washington, DC 20231

COPY OF PAPERS
ORIGINALLY FILED

DECLARATION OF SHARON MCGEE

Dear Sir:

I, SHARON MCGEE, declare as follows:

1. I am employed by the firm of Lerner, David, Littenberg, Krumholz & Mentlik, LLP as a secretary to Raymond W. Augustin. I have held this position for two and a half years.
2. On December 3, 2001, I processed the above-identified patent application on the firm's word processing system and printed out the entire original document, including the Utility Patent Transmittal and the Fee Transmittal. There were a total of eleven (11) pages of the specification and claims. I then placed all of the papers in proper order, including the postcard, together and obtained the signature of Raymond W. Augustin.
3. I then made two copies of the original specification, Utility Patent Transmittal, Fee Transmittal, one for the client and one for the file and a copy of the postcard. I then brought the entire original copy to Phyllis Kelly, Manager of U.S. Patent and Trademark Administration, for her to review and to log into the firm's record. I filed the second copy of the original specification in the file.
4. That I hereby certify that the file copy attached to this submission is a true copy of the original specification and claims provided to Phyllis Kelly

5. That I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that any such willful false statements may jeopardize the validity of this application or any patent issuing therefrom.

Dated: February 27, 2002



Sharon McGee

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